



CERTIFICATE OF MAILING

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON JULY 9, 2001.

Debra S. Blair  
AGENT/ATTORNEY FOR APPLICANT

July 9, 2001  
DATE

1638  
RECEIVED

JUL 18 2001

TECH CENTER 1600/2900

Docket No. 0803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7/K.T.  
7-18-01

Applicant: Habben, et al.

Date: July 9, 2001

Serial No.: 09/545,334

Group Art Unit: 1638

Filed April 7, 2000

Examiner: A. Mehta

For: "Regulated Expression of Genes in Plant Seeds"

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES

This letter is in response to the "Notice to Comply" mailed on June 20, 2001, which indicated that the copy of the "Sequence Listing" in computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823. A copy of "The Notice to Comply" is enclosed.

Enclosed please find a substitute computer readable form (CRF) copy of the "Sequence Listing", a substitute paper copy of the "Sequence Listing", and a statement that the content of the paper and computer readable copies are the same, and where applicable, include no new matter.

Serial No. 09/545,334  
Group Art Unit: 1638

Although there should be no fees associated with this Response, the Commissioner is hereby authorized to charge any processing fees associated with said Response, or to credit any overpayment, to Deposit Account 16-1852.

Respectfully submitted,



Debra L. Blair  
Attorney for Applicant(s)  
Registration No. 39,112

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 248-4897  
Facsimile: (515) 334-6883

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1.** This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ **2.** This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ **3.** A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ **4.** A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ **5.** The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ **6.** The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ **7.** Other: \_\_\_\_\_

**RECEIVED**

JUL 18 2001

TECH CENTER 1600/2900

## Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**





CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN  
ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231, ON JULY 9, 2001

Debra S. Blau  
AGENT/ATTORNEY FOR APPLICANT

July 9, 2001  
DATE

RECEIVED

JUL 18 2001

TECH CENTER 1600/2900

Attorney Docket No. 0803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Habben, et al. Date: July 9, 2001  
Serial No.: 09/545,334 Group Art Unit: 1638  
Filed: April 7, 2000 Examiner: A. Mehta  
For: "Regulated Expression of Genes in Plant Seeds"

Assistant Commissioner for Patents  
Box Sequence  
Washington, D.C. 20231

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§1.821 THROUGH 1.825

- ☒ I hereby state that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same.
- ☐ I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.
- ☐ I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- ☐ I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing are supported in the application, as filed. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- ☐ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing.

Serial No.: 09/545,334  
Group Art Unit: 1638

☒ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), is identical to that originally filed.

Respectfully submitted,



Debra L. Blair  
Attorney for Applicant(s)  
Registration No. 39,112

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 248-4897  
Facsimile: (515) 334-6883